

July 10, 2006

Terry D. Lindsey, Manager
Department of Human Services, Radiation Protection Services
Oregon State Public Health
800 NE Oregon St.
Portland, Oregon 97232

Dear Mr. Lindsey:

We have reviewed the proposed revisions to the Oregon Administrative Rules (Div. 333), Radiation Protection Services, as received by our office on May 18, 2006. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 30, 31, 32, 34, 35, 36, 39, 40, and 70; and the requirements of the nine amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Terry Lindsey on June 30, 2006.

With respect to Part 31, as noted in All Agreement States letter [STP-05-072](#), dated September 28, 2005, NRC staff will continue to review Agreement State GL Device proposed and final rules but will hold in abeyance any determination on those rules and compatibility of those rules if the Agreement State has the essential elements of the NRC's rule and is more restrictive than the NRC's rule. For Agreement States without a GL Device rule or a GL Device rule less restrictive than the NRC rules, the staff will factor this determination into results of the NRC's review of the State's proposed and final rules and the compatibility findings during Integrated Materials Performance Evaluation Program (IMPEP) reviews.

As a result of our review against the GL Device Rule Compatibility Category B designation, we have 18 comments as listed in the enclosure. Comments 7, 14, 15, 16, 20, 21, and 24 indicate that the State's regulations are more restrictive than the NRC's regulations, and there is no corrective action required for these comments at this time. However, Comments 8, 9, 10, 11, 12, 13, 17, 18, 19, 22 and 23 indicate that the State's regulations are less restrictive than the NRC's regulations, and they need to be addressed in the State's future rulemaking process. We request that when a final amended version of the Oregon regulations is adopted and published in response to our comments, that a copy of the "as published" regulations be provided to us for review as requested in STP Procedure [SA-201](#), *Review of State Regulatory Requirements*.

As a result of the remainder of our review, we have 12 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the Oregon regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Oregon regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure [SA-200](#).

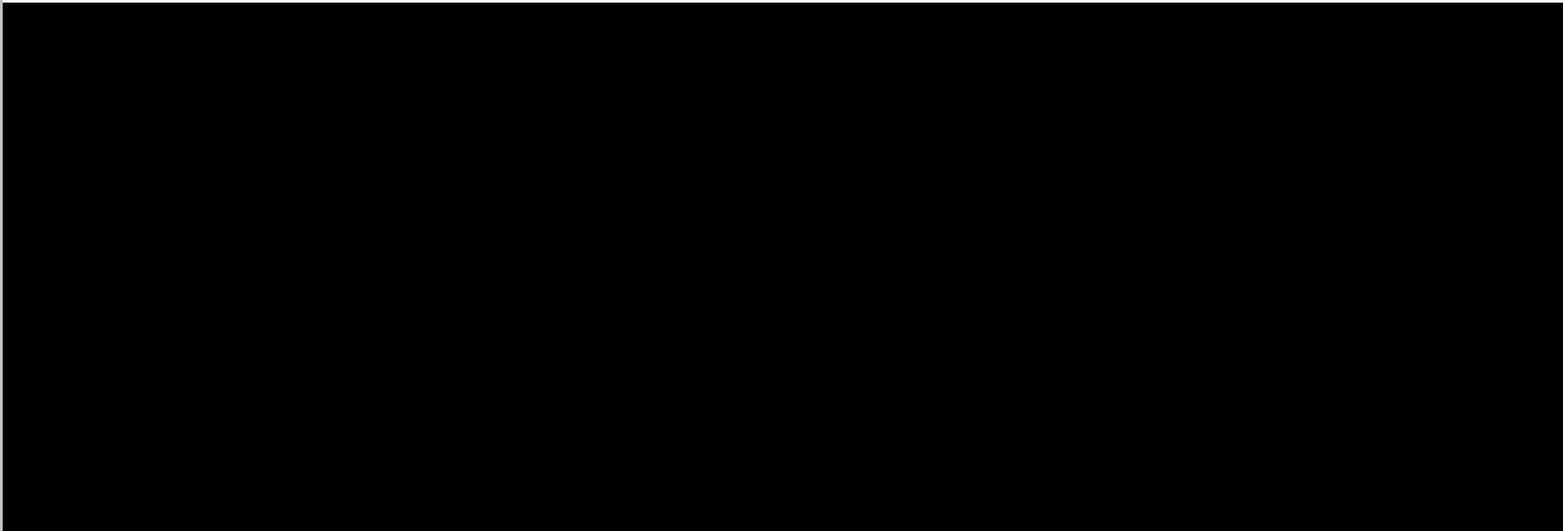
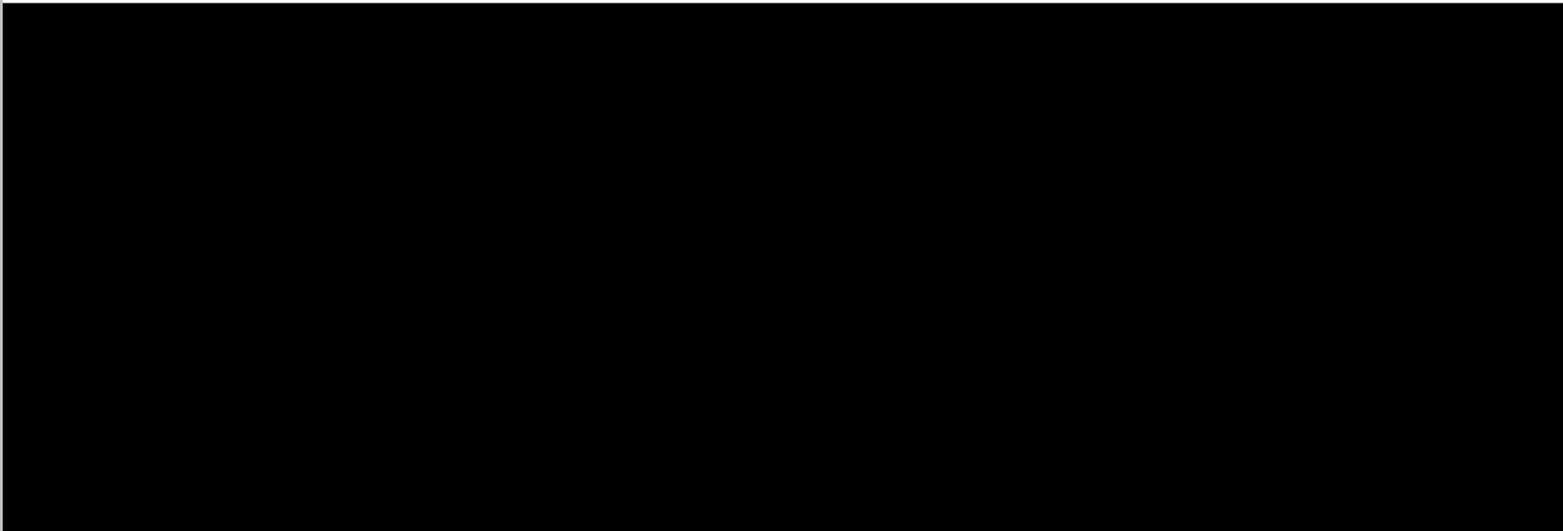






STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
17	333-102-0115(8)	§31.5(c)(13)(i)	e001-1	B	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS



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